

From: Sandy Fells/R8/USEPA/US
Sent: 2/2/2012 3:26:32 PM
To: Pamela Janifer/DC/USEPA/US@EPA
CC:
Subject: More Pavillion hearing articles

Hope there are no duplicates here!

----- Forwarded by Sandy Fells/R8/USEPA/US on 02/02/2012 01:24 PM -----

From: Andy Lensink/R8/USEPA/US
To: Karen Edson/R8/USEPA/US@EPA, Ayn Schmit/R8/USEPA/US@EPA, courtney.patricia@epa.gov, Gregory Oberley/R8/USEPA/US@EPA, Johanna Miller/R8/USEPA/US@EPA, Kimi Matsumoto/R8/USEPA/US@EPA, Martin Hestmark/R8/USEPA/US@EPA, Michael Boydston/R8/USEPA/US@EPA, Michelle Marcu/R8/USEPA/US@EPA, Nathan Wiser/R8/USEPA/US@EPA, Richard Mylott/R8/USEPA/US@EPA, Robert Parker/R8/USEPA/US@EPA, Sandra Stavnes/R8/USEPA/US@EPA, Sandy Fells/R8/USEPA/US@EPA, Sarah Roberts/R8/USEPA/US@EPA, Thomas Sitz/R8/USEPA/US@EPA, Tricia Pfeiffer/R8/USEPA/US@EPA
Date: 02/01/2012 03:04 PM
Subject: more fun reporting on the Gasland reporter at the hearing this morning

http://www.huffingtonpost.com/2012/02/01/house-republicans-order-j_n_1246971.html

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From: Richard Mylott/R8/USEPA/US
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Date: 02/01/2012 05:12 PM
Subject: AP: Reps. scrutinize EPA frack-pollution link in Wyo.

Wyoming AP on today's hearing

Reps. scrutinize EPA frack-pollution link in Wyo.

(AP) CHEYENNE, Wyo. — The U.S. Environmental Protection Agency in no way contends that a draft report on groundwater pollution in Wyoming could apply to hydraulic fracturing in any other part of the U.S., an EPA official told a U.S. House subcommittee.

That includes the Marcellus Shale, a vast area of booming gas drilling in Pennsylvania and other northeastern states, EPA Regional Administrator James Martin said Wednesday.

"The geologic conditions that exist with the Marcellus Shale are significantly different," Martin told the House Science Committee's energy and environment subcommittee, which held a hearing in Washington on the draft EPA report released Dec. 8.

The report theorized that gas industry activity including hydraulic fracturing, or fracking, may have caused groundwater pollution in the Wyoming community of Pavillion.

Petroleum companies frack their wells to improve the flow of oil and gas. The process involves pumping water, fine sand and a relatively small proportion of chemicals down well holes to fracture deposits and create new fissures.

More than 160 gas wells have been drilled in Pavillion. Some have been fracked as recently as 2005.

Pavillion residents have complained for years that their well water stinks of hydrocarbons, and in 2008 they asked the EPA to investigate. The EPA found suspect chemistry in two wells drilled to check for groundwater pollution.

Fracking in Pavillion occurred fairly close to where residents get their drinking water: As shallow as 1,200 feet below the surface in an area where the deepest water wells have been drilled to a depth of about 800 feet, Martin told the subcommittee.

That's quite different from the geology of the Marcellus Shale, where gas wells are 5,000 feet deep or more.

But Republican Rep. Ralph Hall, of Texas, said the Pavillion report is but one example of an anti-fracking agenda by EPA.

"It is important to recognize what EPA is doing in Wyoming is not isolated. They are going after fracking everywhere they can," Hall said.

Although the petroleum industry maintains there are no proven cases of fracking having polluted groundwater, some environmentalists have viewed the Pavillion report as justifying their worries about the practice.

A public health professor at the University of Pittsburgh, Bernard Goldstein, testified that he would support a fracking moratorium until better practices for fracking are put into place.

He said the U.S. sooner or later will extract its accessible onshore gas and there's no rush.

"It's not going anywhere," Goldstein said. "Unless the Canadians can figure out how to frack underneath Lake Erie, that's staying with us."

Other witnesses questioned the validity of the Pavillion study and the EPA's preliminary findings.

"Once misinformation gets out into the public, it takes on a life of its own and is almost impossible to correct," said Kathleen Sgamma, vice president of government and regulatory affairs for the Denver-based petroleum industry group Western Energy Alliance.

Wyoming's top state oil and gas regulator, Tom Doll, said the EPA consulted only minimally with his agency, the Wyoming Oil and Gas Conservation Commission, on research behind the report.

"We had significantly greater consultation with the state than perhaps Mr. Doll might be aware of," Martin said.

The EPA has extended a public comment period on the Pavillion report six more weeks through March 12. The agency also is seeking nominees for experts in backgrounds including petroleum engineering, geology, chemistry and hydrology to serve on an upcoming peer review panel for the report.

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Date: 02/02/2012 10:40 AM
Subject: Fw: FYI - Inside EPA: Jackson Downplays Concerns Over Broad EPA Oversight Of Fracking Wells

Thursday, February 02, 2012

Daily News

Jackson Downplays Concerns Over Broad EPA Oversight Of Fracking Wells

Posted: February 1, 2012

EPA Administrator Lisa Jackson says the agency's limited resources make it impossible for federal regulators to be able to broadly oversee hydraulic fracturing operations -- even if Congress were to restore EPA's legal authority to regulate the injection process once officials complete their pending study on whether the process impacts drinking water.

"Let me speak really plainly," Jackson told a Jan. 31 teleconference hosted by the American Sustainable Business Council (ASBC). "There is no EPA setup that allows us to oversee each and every well that's drilled."

Instead, EPA will continue to focus on the "big things" at the top of its priorities for mitigating environmental risks from fracking -- an arena the agency has historically left in the hands of the state regulators -- including regulating wastewater under the Clean Water Act (CWA) and stricter air rules for the drilling sector, she said.

Her comments come as GOP lawmakers and industry groups are raising concerns that the agency is increasingly targeting alleged fracking contamination at high-profile sites in Texas, Wyoming and Pennsylvania even before it has completed its pending study. "EPA's going after fracking wherever they can," House science committee Chairman Ralph Hall (R-TX) told a Feb. 1 panel hearing on the agency's investigation of groundwater contamination in Pavillion, WY.

He cited a case in Texas, where EPA brought an enforcement action against Range Resources, and one in Dimock, PA, charging that both of those cases "raise questions about EPA's commitment to getting the science right."

But Jackson and other top agency officials are downplaying such concerns, noting that they have prioritized their top environmental concerns stemming from fracking while cautioning that they lack strong scientific conclusions about actual impacts, saying this could hamper their ability to fill in gaps in state oversight.

EPA's senior policy counsel Robert Sussman said recently that the agency's top concerns include large-scale water withdrawals, wastewater disposal, potential for groundwater contamination and increased emissions of hazardous air pollutants (HAPs) and the greenhouse gas methane, but acknowledged limited scientific conclusions exist to support stricter regulations.

The agency is currently studying the potential relationship between fracking and drinking water, an analysis directed by Congress in 2010 appropriations language. Environmentalists hope that the study will provide justification for repealing a provision in a 2005 energy law that prohibits EPA from regulating fracking under its Safe Drinking Water Act permitting program.

Jackson told the sustainable business group that the study, which is slated for completion in 2014, may drive strengthening of state laws and "there may be some changes to EPA authority and there may be some law that grows out of that."

However, speaking in response to a question about how EPA will be able to keep pace with oversight on day-to-day fracking operations given President Obama's State of the Union address vow to expand domestic energy production, Jackson said "I don't think we can."

Even if the two-year study led to changes to EPA regulations or authority, Jackson told ASBC she doesn't see management of individual fracking operations being within the agency's purview. "We're a large agency, but we're not nearly large enough to be on the ground the same way" that state regulators can in conducting proper oversight.

Jackson highlighted EPA's recent steps to expand its framework for ensuring adequate regulation of other aspects related to fracking beyond the actual injection process, including pending air toxics and new source performance standards for oil and gas, which propose to target emissions from fracking wells for the first time.

And she described EPA's effort to craft CWA pretreatment rules for the shale gas industry, regulation it is developing to ensure that municipal and industrial wastewater treatment plants can effectively treat produced water and flowback associated with shale gas drilling. But Jackson added that the agency is looking to its pending CWA rules to pressure drillers to commit to reusing, or recycling, fracking wastewater to avoid having to dispose of it, though she said the agency is also working to "make sure we're not concentrating pollutants" in the re-use process.

Strong Environmental Standards

During the Jan. 31 teleconference, Jackson also argued that strong environmental standards are consistent with President Obama's Jan. 24 State of the Union message to strengthen the manufacturing sector, encourage development of cleaner energy sources and create an economy "built to last."

For example, Jackson pointed to recycling mandates as creating "resource and labor intensive jobs" for communities and opportunities for small businesses, and touted the agency's clean vehicle rules as providing more "clarity" for the auto industry, referencing announcements by Chrysler and General Motors last spring that the companies would be adding or retaining 4,000 or more jobs.

She added that "green products and green strategies are a part of both the new era of energy and the revitalization of manufacturing" outlined in the President's blueprint. "Weak environmental standards are not a path to more jobs," she said.

While few credible reports have surfaced finding a definitive link between strict environmental

standards and job destruction, there is substantial evidence that weak environmental rules put human health at risk, Jackson told the ASBC.

"We need to make clear that we're not going to move ahead by rolling back environmental protections," she said.

In response to a question about the forecast for likelihood of advancing green chemistry in the manufacturing sector absent passage of legislation to reform the Toxic Substances Control Act (TSCA), Jackson acknowledged that the effort is not likely to move forward anytime during the next legislative year. But she added that "I hope the chemical industry stays at the table," and said that the growing patchwork of differing state rules on toxic chemicals should put sufficient pressure on manufacturers to ensure that they continue to work toward negotiation of a reform bill.

Sen. Frank Lautenberg (D-NJ) last April introduced S.847, which would amend TSCA to require industry to prove chemicals are safe, rather than the current system, where EPA must prove chemicals pose an unreasonable risk, among other provisions. The bill would also have spurred progress in green chemistry, Democratic supporters say, because it would have mandated formation of EPA green chemistry and engineering centers to facilitate production of safer alternatives to industrial chemicals.

But the bill failed to gain Republican support and though industry has participated in stakeholder talks and acknowledges the need to reform the chemical safety law, negotiations seemed stymied over core disagreements in where to set the bill's safety standard. -- *Bridget DiCosmo* (bdicosmo@iwpnews.com) This e-mail address is being protected from spambots. You need JavaScript enabled to view it)

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Date: 02/02/2012 10:55 AM
Subject: more coverage concerning yesterday's hearing

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